

REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-40 under 35 USC § 103 (a) as being unpatentable over Haartsen (U.S. Patent No. 5,491,837) in view of Chang (U.S. Patent No. 6,501,785).

Claims 1-40 are currently pending in this application. Claim 33 has been amended. No new matter has been added. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-40.

2. As discussed above, claims 1 was rejected as obvious based on the combination of Haartsen & Chang. Claim 1 includes the following recital:

providing, by the access point, a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time.

Neither Haartsen or Chang includes this feature. As acknowledged by the Examiner, Haartsen does not disclose providing a selection packet. The Examiner reads this aspect of the invention of claim 1 on the disclosure of Chang.

Chang teaches changing a frequency hopping pattern of a link when multiple frequencies of the frequency hopping pattern have an SINR less than an SINR threshold. In particular, Chang teaches that the dynamic frequency hopping management device 310 compares each of the SINRs against a SINR threshold. A number of frequencies in a frequency hopping pattern that is less than the SINR threshold is determined. When this number falls below a marking threshold, then the dynamic frequency hopping management device 310 marks the corresponding link for assignment of a new frequency hopping pattern. (column 6, lines 54-61) As such, Chang is teaching a technique for changing a frequency hopping pattern when multiple frequencies in the pattern have SINR below a threshold by replacing those frequencies with available frequencies to maintain the interference averaging benefit of frequency hopping.

However, Chang does not disclose suggest or teach providing a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time.

For the foregoing reasons, the applicant believes that claim 1 and claims 2-9 that depend therefrom are patentably distinct from the prior art.

The applicant believes that the reasons that distinguish claim 1 over the present rejection are applicable in distinguishing claims 10-14, 25-31, and 35-39 over the same prior art.

3. Claims 10, 16, 25, and 35 were also rejected based on the combination of Haartsen and Chang.

Claim 10 recites:

providing a packet to the at least one affiliated station via the current wireless channel, wherein the packet indicates that the access point will change to the desired wireless channel at a future time.

Claim 16 recites:

provide a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time,

Claim 25 recites:

provide a selection packet to the at least one affiliated station via the current wireless channel, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time.

Claim 35 recites:

provide a packet to the at least one affiliated station via the current wireless channel, wherein the packet indicates that the access point will change to the desired wireless channel at a future time.

As discussed above, Chang does not disclose suggest or teach providing a selection packet, wherein the selection packet indicates that the access point will change to the desired wireless channel at a future time.

For the foregoing reasons, the applicant believes that claims 10, 16, 25, and 35 and claims 11-15, 17-24, 26-32 and 36-40 that depend therefrom are patentably distinct from the prior art.

4. Claim 33 was also rejected based on the combination of Haartsen and Chang. Claim 33 has been amended to include the following:

receive, from the access point, a packet that indicates that the access point will change to the desired wireless channel at a future time.

As discussed above, Chang does not disclose suggest or teach providing a selection packet to the affiliated station, wherein the selection packet indicates that the

access point will change to the desired wireless channel at a future time.

For the foregoing reasons, the applicant believes that claim 33 and claim 34 that depends therefrom are patentably distinct from the prior art.

For the foregoing reasons, the applicant believes that claims 1-40 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

A petition for a one-month extension of time is filed concurrently herewith. This response is therefore timely made. The Commissioner is authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 50-2126 (Docket BP 1898).

RESPECTFULLY SUBMITTED,

By: /Bruce E. Stuckman/Reg. No. 36,693
Bruce E. Stuckman
Garlick Harrison & Markison, LLP
Phone: (512) 241-8444
Fax No.: (512) 241-8445